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**Technology Center 2100**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/990,005  
Filing Date: November 21, 2001  
Appellant(s): PARRY, TRAVIS J.

\_\_\_\_\_  
Andrew C. Walseth  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed July 18, 2007 appealing from the Office action mailed July 18, 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

Schlonski et al., Pub. No.: US 2002/0196451 A1, published on Dec. 26, 2002.

Carcerano et al., U. S. Patent No. 6,308,205 B1.

Mathieson, Pub. No.: 2002/0143915 A1.

Hawes, U.S. Patent No. 6,026,436.

Mixer Jr., U.S. Patent No. 6,693,722 B1.

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

A. Claims 11-13, 15-16, 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Schlonski et al. (hereinafter Schlonski, Pub. No.: US 2002/0196451 A1).

As per claim 11, Schlonski discloses a method of configuring a plurality of imaging devices coupled to a network, the method comprising: communicating a configuration change from a browser across a network to management facility on a first imaging device that is accessible through a network interface and an embedded webserver of a first imaging device (pg.

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3 block #32, pg. 4 block #38, fig. 4 and fig. 3 item #310: configuring the imaging device through browser); selecting at least one other imaging device from a list of other imaging devices stored on the first imaging device by communicating across the network to the management facility of the first imaging device across the network (fig. 4 and pg. 3 [0027], in light of applicants specification pg. 11 [0038-0039]) and communicating the configuration change from the first imaging device to the at least one other imaging device selected from a list of other imaging devices stored on the first imaging device (pg. 1 block #9, pg. 3 block #27 and fig. 3-4: i.e. configuring the second imaging device or printer from a template printer).

As per claim 12, Schlonski discloses the process of generating the list of other imaging devices and storing the list of other imaging devices in the first imaging device (pg. 3 block #27, pg. 2 block #15, fig. 2 item #106 and fig. 4).

As per claim 13, Schlonski discloses the process of generating the list of other imaging devices similar to the first imaging devices (pg. 1 block #9, pg. 3 block #27-29, 34 and fig. 4).

As per claim 15, Schlonski discloses a method of operating a plurality of imaging devices, the method comprising: communicating a configuration change by surfing across a network with a web browser to a management facility accessible through an embedded webserver of a first imaging device (pg. 3 [0027]: i.e. receiving, obtaining, sending or transmitting the configuration through a browser); processing the configuration change on the first imaging device, thereby generating a configuration on the first imaging device (pg. 3 block #32, pg. 4 block #38 and fig. 3 item #310); and configuring one or more other imaging devices from the management facility of the first imaging device in response to the configuration change of the first imaging device, wherein the one or more other imaging devices are selected from a

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list stored on the first imaging device (pg. 4 block #40 and fig. 3-5: configuring another printer from a template printer through a web browser and embedded webserver of the printers).

As per claim 16, Schlonski discloses the process of configuring the one or more other imaging devices further by communicating the configuration of the first imaging device to the one or more other imaging devices (fig. 3-4).

As per claim 19, Schlonski discloses the process of communicating a configuration from an originating network device that is selected from group consisting of local network site, and a remote network site (fig. 4 and fig. 1).

As per claim 20, Schlonski discloses the process of communicating configuration from a network site that is another imaging device (fig. 3, fig. 4 and fig. 1).

As per claim 21, Schlonski discloses a computer-usable medium having computer readable instructions stored thereon for execution by a processor to perform a method comprising: processing a configuration change on a first imaging device, wherein the configuration is received across a network via a management facility accessible through an embedded webserver of the first imaging device (fig. 3 item #310); refereeing to a list of other imaging devices on the network stored in the first imaging device (fig. 4); and configuring at least one imaging device selected from the list via the management facility of the first imaging device in response to the configuration change of the first imaging device (fig. 5 and pg. 4 block #40 and fig. 3).

As per claim 22, Schlonski discloses the process of configuring at least one imaging device from a list using a configuration of the first imaging device (fig. 4: displays a list of

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printers to select the printer to be used as a template in configuring other printers, fig. 5: displays the printers to be selected in order to be cloned or configured by using template of other printer).

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

B. Claims 1-4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlonski et al. (hereinafter Schlonski, Pub. No.: US 2002/0196451 A1) in view of Carcerano et al. (U. S. Patent No. 6,308,205 B1).

As per claim 1, Schlonski discloses an imaging device, comprising: a processor adapted for communication with a network using an embedded webserver (pg. 3 block #32 and applicant admitted prior art AAPA, pg. 2 block 7); wherein the processor is adapted to store a configuration for the imaging device on the computer-usable media, where the configuration is input by commands received across the network from a web browser to a management facility resident on the imaging device such that the management facility is accessible from the network through the embedded webserver (pg. 3 block #32-35, pg. 3 [0027] and fig. 2 item #106 and AAPA pg. 2 block 7); wherein the processor is adapted to store a list of other imaging devices on the network in data depository (fig. 2 item #106 and fig. 4); and wherein processor is adapted to transmit the configuration to a network address of at least one of the other imaging devices of the

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stored list (fig. 3 item #306, 308 and pg. 3 block #36), however Schlonski does not disclose a device with a computer-usable media coupled to the processor (please note that the feature is inherent, however Carcerano is introduced as an evidence).

Carcerano, from the same field of endeavor explicitly discloses an imaging device comprising a processor for communication with a network using an embedded webserver and a computer-usable media coupled to the processor (fig. 4 item #91, 93, 95).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Carcerano as stated above with Schlonski in order to provide a computer-usable media coupled to the processor.

One of ordinary skilled in the art would have been motivated because all of the networked devices generally includes a processor and a computer-readable media (AAPA, pg. 2 block #7) and further as to provide storage to processor during execution of software applications (Carcerano, col. 8 L12-14).

As per claim 2, Schlonski discloses the process and system for discovering the list of other imaging devices from the network (pg. 3 block #27-28).

As per claim 3, Schlonski discloses the process for discovering other imaging devices from the network that are similar to the imaging device (fig. 2, fig. 3 item #304 and pg. 4 item #39).

As per claim 4, Schlonski does not explicitly disclose the process wherein the embedded webserver is a function of the processor in response to computer-readable instructions stored on the computer-usable media. Carcerano discloses the process wherein the processor loads process steps from a computer-readable medium into main memory and the processor then executes the



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stored process steps from main memory in order to execute application programs such as an HTTP server (read as processor executing an embedded webserver application in response to computer readable instructions, col. 8 L12-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Carcerano as stated above with Schlonski in order to execute the embedded webserver application. One of ordinary skill in the art would have been motivated because it would have executed the application programs and/or software applications such as http server (an embedded webserver, col. 8 L14-20).

As per claim 8, Schlonski discloses the process wherein the configuration for transmission to at least one of the other imaging devices is sourced from an originating network device that is selected from the group consisting of imaging device, a local network site and a remote network site (fig. 1 and pg. 3 block #36 and fig. 4).

C. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlonski et al. (hereinafter Schlonski, Pub. No.: US 2002/0196451 A1) in view of Carcerano et al. (U. S. Patent No. 6,308,205 B1), and further in view of Mathieson (Pub. No.: US 2002/0143915 A1).

As per claim 7, Schlonski in view of Carcerano discloses an imaging device with embedded webserver adapted to process of imaging device upgrade command (Schlonski, fig. 4-5 and pg. 3 block #32), however, Schlonski in view of Carcerano does not explicitly disclose the commands including upgrade firmware, upgrade software, upgrade supplemental information, online, offline, restart, reset, purge job, pause job, and manage job queue.

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Mathieson discloses the process of managing job queues including the process of cancel/pause job and hold jobs (pg. 1 block #15, 18). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Schlonski in view of Carcerano to provide the following commands: upgrade firmware, upgrade software, upgrade supplemental information, online, offline, restart, reset, purge job, pause job, and manage job as this functions are well known in the art.

One of ordinary skilled in the art would have been motivated because it would have configured plurality of digital printers on a network and would have further provided a mechanism for managing print jobs by manipulating any of the jobs in the queues.

D. Claims 5-6 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlonski et al. (hereinafter Schlonski, Pub. No.: US 2002/0196451 A1) in view of Carcerano et al. (U. S. Patent No. 6,308,205 B1), and further in view of Hawes (U. S. Patent No. 6,026,436).

As per claim 5, Schlonski in view of Carcerano does not explicitly disclose the process wherein the embedded webserver is adapted to process an upload of configuration selected from the group consisting of configuration parameters, configuration parameters with a mask, firmware, software, supplemental information, configuration parameters from a network site, configuration parameters with a mask from a network site, firmware from a network site, software from a network site, supplemental information from a network site. Hawes discloses the system wherein the properties form (read as configuration form) is posted to the device (uploaded, col. 9 L4-17) and embedded webserver of the destination device processes an upload of configuration and/or sets the relevant properties, with the http service (col. 9 L18-29 and fig.

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5-7 and fig. 4 item #102: read as network site). Hawes further teaches that many more configuration values than those shown in form of fig. 6-7 may be provided (col. 8 L58-64). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Hawes and combine with Schlonski and Carcerano in order to process an upload of configuration data. One of ordinary skilled in the art would have been motivated so that the other network devices would have been configured in a most efficient and timely manner by copying the configuration and/or settings from one device to another.

As per claim 6, Schlonski in view of Carcerano does not explicitly disclose the process wherein the embedded webserver is adapted to download information from the group consisting of configuration parameters, configuration parameters with a mask, firmware, software, supplemental information, configuration parameters from a network site, configuration parameters with a mask from a network site, firmware from a network site, software from a network site, supplemental information from a network site. Hawes discloses the system wherein the embedded server is adapted to download information from a network site (fig. 4, fig. 6-7, col. 8 L30-58 and col. 9 L18-20). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Hawes and combine with Schlonski and Carcerano in order to download information. One of ordinary skilled in the art would have been motivated because of the same reasons as set forth in claim 5.

As per claim 10, Schlonski in view of Carcerano does not explicitly disclose the process of transmitting configuration to at least one other imaging device via a protocol that is selected from the group consisting http protocol, https protocol, printer mark-up language and a compatible imaging device communication protocol. Hawes, from the same field of endeavor

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discloses the process of sending configuration to other imaging device via http or https, SNMP (col. 7 L37-39) and Hawes further teaches that any other type of communication protocol could provide getting/setting functionality of servers (col. 8 L3-30 and fig. 4). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Hawes with Schlonski and Carcerano in order to send configuration via a compatible imaging device protocol. One of ordinary skilled in the art would have been motivated so that the plurality of network devices is configured efficiently. One of ordinary skilled in the art would have also been motivated to use http as interfaces because of the following reasons: first, development costs are lower and deployment schedules shorter since the mechanism can be used by many clients without the necessity of writing the client display software (often referred to as "user interface" or UI) for each operating system and processor that clients use. Second, it is straightforward to define multi-lingual interfaces by storing the information in multiple languages on the server, permitting the server to be accessed in multiple languages by different clients concurrently. Third, upgrades or changes can be made to the print or document processing machine's capabilities without the inconvenience of the vendor developing new client display software and of the client having to install new software on every client computer for each such upgrade (Hawes, col. 3 L16-34).

As per claim 9, it does not teach or further define over the limitations in claims 5-6 and 10. Therefore, claim 9 is rejected for the same reasons as set forth in claims 5-6 and 10.

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E. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being obvious over Schlonski et al. (hereinafter Schlonski, Pub. No.: US 2002/0196451 A1) in view of Hawes (U. S. Patent No. 6,026,436).

As per claim 17-18, they recite the same limitations as in claims 5 and claim 7. Therefore, claims 17-18 are rejected for the same reasons as set forth in claims 5 and 7.

F. Claim 14 is rejected under 35 U.S.C. 103(a) as being obvious over Schlonski et al. (hereinafter Schlonski, Pub. No.: US 2002/0196451 A1) in view of Mixer, Jr. (hereinafter Mixer, U. S. Patent No. 6,693,722 B1).

As per claim 14, Schlonski does not explicitly disclose the process of translating the configuration change to a printer protocol compatible with other imaging device prior to communicating the configuration change to that other imaging device.

Mixer, from the same field of endeavor discloses the process of converting the data stream (read as configuration data) from a protocol native to the device to the protocol compatible with the device (col. 1 L38-58). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Mixer as stated above with Schlonski in order to translate the configuration data to a printer compatible protocol data prior to communicating the configuration to the other device.

One of ordinary skilled in the art would have been motivated because it would have enabled the communications between network devices with different standards and protocols (Mixer, col. 1 L15-58).

**(10) Response to Argument**

Examiner summarizes various arguments raised by the appellant in the brief and addresses each reply individually.

In an appeal brief, appellant argues in substance that:

- a. Claim Rejections under 35 U.S.C. 112, first paragraph.

The rejection of claims 1-22 under 35 U.S.C. 112, first paragraph has been withdrawn in light of appellant's response (Brief, pg. 9-10, 18-26).

- b. Claim Rejections under 35 U.S.C. 102.

- (i) Appellant has expressly defined the term "imaging device" to include "printers, multi-function copiers, faxes, digital cameras, digital projectors, terminals, and other such imaging devices." See e.g. spec., para. [0002] and [0019]. Appellant, therefore respectfully disagrees with the Examiner's assertion that a workstation is an imaging device, noting that the definitions of imaging device of paragraphs [0002] and [0019] of the specification do not list workstations or desktop computers as imaging devices (Brief, pg. 26-27).

In response to argument (i), Examiner respectfully disagrees.

As acknowledged by the appellant, MPEP 2173.01 and 2111 states: "where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295,1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999)). *See*,

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MPEP §2173.01 and §2111.

The interpretation of the term "imaging devices" is in fact controlled by the explicit definition provided in the original specification, For example: See spec., pg. 1 [0002] and pg. 4-5 [0019].

Stated another way, appellant specification is clearly evidenced to define imaging devices to include "printers, multi-function copiers, faxes, digital cameras, digital projectors, terminals, and other such imaging devices (See spec., pg. 1 [0002] and pg. 4-5 [0019]).

As is known to one of ordinary skilled in the art, the terminals can represent and/or can be interpreted to include workstations and/or desktop computers, and vice-versa.

As such, Examiner maintains that the appellant definition does suggest workstations and/or desktop computers to be interpreted as the imaging device.

(ii) Appellant also continues to respectfully maintain, as detailed above, that in the system disclosed in Schlonski et al. the Administrator directly utilizes a management program on a workstation (the "imaging device" of the Examiner's rejection). Thus, Appellant continues to respectfully maintain that the management program of Schlonski et al. is not disclosed as being resident on the imaging device being configured, such that the Administrator is required to "surf" across a network with a browser to utilize the management program through the imaging device's embedded web server (Brief, pg. 27, pg. 28).

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In response to argument (ii), Examiner respectfully disagrees.

A comparison of appellant's definition of an embedded web server, a management facility and http Interface with the prior art is as follows:

Embedded web server, management facility and http Interface as per appellant

Appellant specification discloses (spec., pg. 5):

[0020] With a common webserver (HTTP) interface and protocol, the need for training, support, and configuration of multiple specialized management facilities is simplified as each imaging device of the present invention already contain a management facility in the form of the embedded webserver and requires the administrator to only "surf" to the imaging device with a browser to access the management facility. The common HTTP interface and protocol also allow a single specific device, class of device, or even device manufacturer to be managed or communicated to either singly or as a group. Imaging device embodiments of the present invention can also act as "interpreters", translating commands from the administrator received via HTTP with their embedded webserver to a different printer communication protocol that is spoken by other imaging devices on the network. In addition, most network features, such as firewalls or routers, route or will not interfere with HTTP protocol. This allows all of the imaging devices to be communicated with or managed with a minimum of issues, even at remote sites.

[0021] Network devices with an embedded web access mechanism for user interface functions including a webserver and a web browser are detailed in U.S. Patent No. 5,956,487 issued to Venkatraman et al. on September 21, 1999, and in U.S. Patent No.6,170,007 issued to Venkatraman et al. on January 2, 2001, both of which are commonly assigned and incorporated herein by reference.

Furthermore, appellant's specification discloses (spec., pg. 10):

[0036] This ability allows for imaging device embodiments of the present invention with embedded webserver to act as a virtual imaging device management system, allowing the administrator to manage the imaging device system without the need of a specialized management program or device. It is noted that this virtual imaging device management system can be utilized from any single web-enabled imaging device embodiment of the present invention on the network. An added advantage is that, as mentioned above, the embedded webserver utilizes HTTP protocol that flows through most network firewalls and network devices that filter network protocols and content. In addition, if HTTP protocol is utilized to upgrade the selected similar imaging devices, it allows for imaging devices outside of these network features to be easily managed and upgraded.

According to appellants disclosure above (specification page 5, [0020]):

“Management facility is defined as in the form of the embedded webserver, and requires the administrator to only surf to the imaging device with a browser to access the management facility”.



In other words, the management facility is in the form of an embedded webserver, which provides an interface, webpage or website of an imaging device that can be accessed through the browser, for managing the imaging device.

Embedded Web Access Mechanism as per US Patent No. 5,956,487

**SUMMARY OF THE INVENTION**

A solution for providing widely accessible, low cost, and enhanced user interface functions for a device is disclosed. The solution involves embedding web access functionality into the device including a web server that provides a device web page. The device includes an embedded network interface that enables access to the device web page by a web browser. A user of the web browser accesses the user interface functions for the device through the device web page. The web server functionality may be implemented with existing circuitry in a device, such as an existing processor, memory, and input/output circuitry that normally perform device-specific functions, thereby avoiding the extra cost and space required for dedicated web server hardware for the device.

The web server functionality embedded in the device enables device user interface access via a variety of communication mechanisms including the world wide web portion of the Internet. The costs of providing screen based user interface mechanisms are exported away from the device and do not require an external computer to provide a device web server. The methods and mechanisms disclosed herein provide screen based user-friendly interfaces to a wide variety of devices without the necessity to develop expensive hardware and software applications for differing devices. The present methods and mechanisms employ web technology so that access to a device user interface is independent of the computer system platform employed and independent of the web browser software executed and independent of the location of the user.

The user interface information is packaged using the Hyper-Text Markup Language (HTML) and is transported according to the Hyper-Text Transfer Protocol (HTTP). The HTML and HTTP protocols enable communication with existing web browsers independent of the platform that executes the web browser. The present techniques avoid the need of an industry-wide Application Programming Interface (API) to unify the control and use of equipment.

Other features and advantages of the present invention will be apparent from the detailed description that follows.

As per US Patent 5,956,487, the embedded web server in the device provides a device web page. The device includes an embedded network interface that enables access to the device webpage by a web browser.

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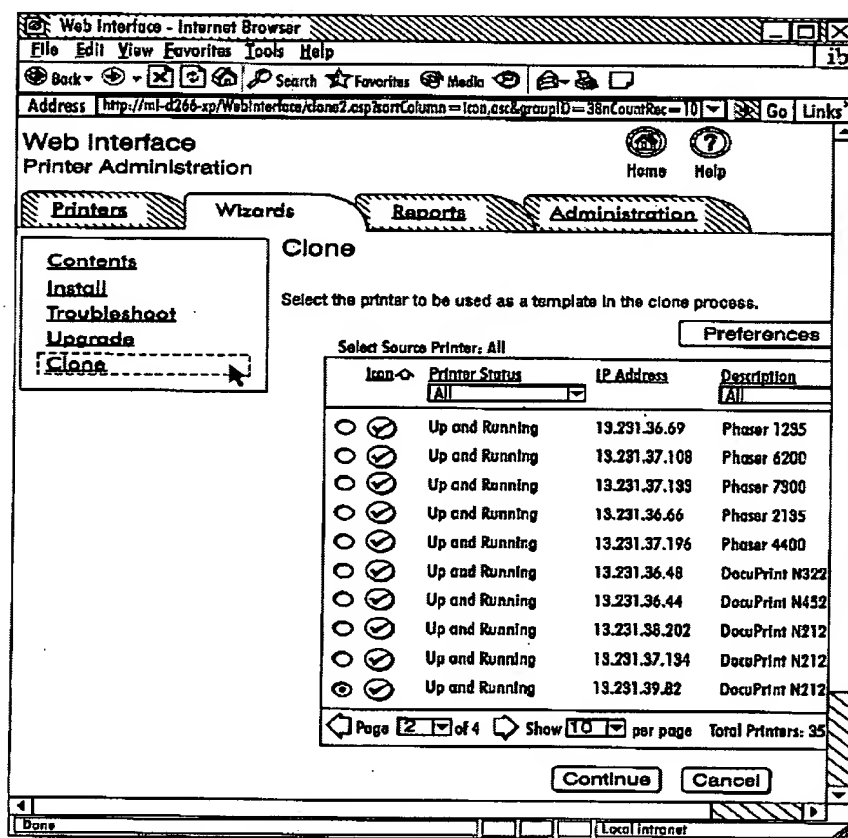
Schlonski et al.

In short, Schlonski discloses:

**SUMMARY OF THE INVENTION**

[0018] According to one aspect of the present invention, there is provided a method of operating a digital printer on a network. A type of the printer is determined. The determined type of the printer is associated with a predetermined configuration. The printer is caused to operate according to the predetermined configuration.

[0019] According to another aspect of the present invention, there is provided a method of operating a plurality of printers on a network. At least one new printer is discovered on the network. Data relating to a type of the new printer is obtained from the new printer. A template printer is identified on the network, the template printer being sufficiently of the same type as the new printer. obtaining Configuration data is obtained from the template printer. The configuration data is applied to the new printer.

**FIG. 4**

Schlonski expressly teaches "...Once the various printers are discovered, it is desirable for the system administrator to be able to inspect the web page of any individual printer to make sure that any particular printer is functioning properly...many conditions of the an individual printer can be observed or altered through the embedded web page of the printer that is accessible through a web page of the printer can thus be accessed through a computer 12..." (pg. 2 [0025]), more specifically, through a web browser.

Moreover,

**[0027] FIG. 2** is a simplified flow chart showing the basic steps of a system in which, first, all of the printers on a network or subnetwork such 10 are discovered, and then information about each individual printer obtained through such discovery process is displayed in a user interface whereby, once the printers on a particular network or sub-network are identified, the printers are selectable through a simple displayed list. Finally, once the user interface is created and displayed to the system administrator on computer 12, the web site of any particular printer on network 10 can be accessed by the system administrator simply by clicking on a particular internet address or other name on a displayed list. Then, if it is desired to check or alter a condition or function of a particular printer or network 10, this can be carried out directly through the web page of the selected printer.

Schlonski teaches "...once the user interface is created and displayed to the system administrator on computer 12, the web site of any particular printer on the network can be accessed by the administrator simply by clicking in the internet address on the displayed list. Then, if it is desired to check or alter a condition or function of a particular printer or network, this can be carried out directly through the web page of the selected printer".

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Furthermore, Schlonski teaches:

[0032] Once all of the desired subnets have experienced the network discovery such as shown as steps 102-106, there will result a user interface in which all of the known printers are listed in the display. In a preferred embodiment of the present invention, this resulting list can be displayed to the systems administrator on computer 12, who in turn can select individual printers listed therein. When the systems administrator (SA) thus selects a printer, the point-and-click action thus causes the selected printer to be accessed over network 10, and the web page of the selected printer to appear in the user interface, as shown at step 110 of FIG. 2. Once the systems administrator thus has access to the web page and embedded web server of the selected printer, the system administrator can access, and as necessary alter, any information available to the system administrator through the web site of the particular printer.

[0033] FIG. 3 is a flowchart showing how a configuration suitable for a particular type of printer can be found or otherwise determined and then supplied to a target printer of interest on a network. Step 300 shows a new printer, of as yet unknown type, being installed on the network. In order, to operate on the network, this new printer must receive a suitable set of settings, or in short a "configuration."

[0034] The new printer installed at step 300 is discovered as a result of a discovery process at step 302. The discovery step is generally described above with regard to FIG. 2, and may occur on a regular basis or as deliberately requested by an SA. As described above, one important datum which is received from the new printer is the object ID, which identifies the type of printer which has been installed, such as through an association step which occurs in the SA's computer (step 304). Once the type of printer is known, a desired configuration can be applied to the printer.

[0035] According to the illustrated embodiment, there is present on the network what is called a "template printer," meaning an already-installed printer of a given known type, the current configuration of which is used to apply to any further printer of that type which exists or subsequently appears on the network. This template printer is identified by the SA, such as shown at step 306, via a user interface on his computer, as will be shown below. In this embodiment, the configuration data for a printer of a given type is retained only at the template printer (incidental to the printing functions carried out by the template printer), and is not retained independently, for any appreciable length of time, at the SA's computer or at any server. When configuration data is required, the configuration data is obtained from the template printer, such as at step 308, for sending to the new printer.

Based on applicant specification above and the embedded web access mechanism disclosed in US Patent No. 5,956,487, its fairly clear to one of ordinary skilled in the art that Schlonski does teach a management facility, which in fact is in the form of an embedded web server and/or web page of a network printer (See appellant spec., pg. 5 [0020-0021] and Schlonski, pg. 2 [0025], [0027]), which is resident on the printer being configured, i.e. an imaging device (See Schlonski, pg. 3 [0032-0033]), wherein the administrator is required to surf across the network utilizing a network browser of a computer 12 in order to utilize the management facility or program through the embedded web server (See Schlonski, pg. 3 [0032-0033] and fig. 4 reproduced above: An Internet Browser Web Interface for Printer Administration).

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(iii) In addition, Appellant maintains that in Schlonski et al. the workstation ("imaging device") displaying the list of other imaging devices is also not disclosed as being configured itself by the management facility (Brief, pg. 27).

In response to argument (iii), Examiner respectfully disagrees.

Independent claim 11 recites:

A method of configuring a **plurality of imaging devices** coupled to a network, the method comprising: communicating a configuration change from a browser across a network to a management facility on a first imaging device that is accessible through a network interface and an embedded webserver of the first imaging device;

selecting at least one other imaging device from a list of other imaging devices stored on the first imaging device by communicating across the network from the browser to the management facility of the first imaging device; and

communicating the configuration change from the first imaging device to the at least one other imaging device selected from the list of other imaging devices stored on the first imaging device.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an imaging device displaying a list of other imaging devices as being configured itself by the management facility) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In other words, the imaging device as in the claims is not being configured itself without any browser interactions. The term "configured itself" may include self-configuration" and/or "automatic configuration" without any external interactions and the claimed language clearly fails to teach, disclose or even suggest such a feature.

Secondly, the management program of Schlonski is disclosed as being resident on the imaging device being configured, such that the administrator is required to surf across a network

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with a browser to utilize the management program through the imaging devices embedded webserver, as set forth in response to argument (ii), and further discloses the process of storing list of other imaging devices in an imaging system (fig. 2 item #106, fig. 4).

**Figure 4** of Schlonski explicitly indicates a system that surfs across a network with a web browser and utilizes the embedded web server of the imaging devices in order to configure or update the configuration of the imaging device.

As such, the claim fails to call for configuring the imaging device itself, self-configuration and/or automatic configuration, thus excluding a need for showing the feature.

(iv) The appellant respectfully disagrees and maintains as stated before that in the system disclosed by Figure 4 and paragraph [0027] of Schlonski, the Administrator does not surf with a browser across a network to a management facility resident on a first imaging device, but directly enters and utilizes a management program on a workstation to select an imaging device to manage and only then surfs across the network to the device to manage it. "Therefore, appellant continues..." (Brief, pg. 28-29).

In response to argument (iv), Examiner disagrees in light of the same reasons as set forth in response to argument (i)-(iii).

(v) Appellant further respectfully...Appellant maintains that Schlonski et al. still does not disclose a system where the Administrator surfs to a management facility of an imaging device across a network or discloses a system that communicates a configuration change across a network from a web browser to a management facility resident on a first imaging device, wherein the management facility is accessible through a network interface and an embedded webserver of the first imaging device and displayed on the browser or disclose storing of a list of other imaging devices on the network on the first imaging device accessed through the web browser and embedded webserver (Brief, pg. 29-30).

In response to argument (v), Examiner respectfully disagrees because in addition to response to arguments (i)-(iv), Schlonski discloses the process of storing list of other imaging devices in an imaging system (fig. 2 item #106, fig. 4).

(vi) Appellant therefore respectfully submits that Schlonski et al. fails to teach or disclose a system that communicates a configuration change across a network to a management facility that is accessible through a network interface and an embedded webserver of a first imaging device, selects at least one other imaging device from a list of other imaging devices stored on the first imaging device and communicates the configuration change from the imaging device to the at least one other imaging device selected from the list of other imaging devices stored on the first imaging device. As such, Schlonski et al. fails to teach or disclose all elements of claims 11-13, 15-16, 19-22, as pending.

In response to argument (vi), Examiner disagrees for the same reasons as set forth in response to arguments (i)-(v).

c. Claim Rejections under 35 U.S.C. 103.

(i) Appellant essentially presents the same arguments as in [b.(i)-(vi)] (Brief, pg. 31-33, pg. 35).

Examiner respectfully disagrees for the same reasons as set forth in response to arguments (i)-(vi).

(ii) “Hawes fails to teach or suggest an imaging device adapted to store a configuration for the imaging device on a computer-usable media...” (Brief, pg. 33-34).

In response to argument (ii), Examiner respectfully disagrees.

On page 33-34 of the Brief, Appellant presents:

Appellant respectfully maintains, as stated above, that Schlonski et al. fails to teach or suggest all elements of claim 15, from which claims 17-18 depend. In addition, as stated above, Appellant respectfully maintains that Hawes discloses a system where a configuration is copied from a template printer to a target printer via the users' web browser by accessing an embedded webserver of the template printer and receiving a configuration form to post to the address of the target printer. Appellant therefore respectfully submits that combining the elements of Schlonski et al. with Hawes fails to teach or suggest an imaging device adapted to store a configuration for the imaging device on a computer-usable media, where the configuration is input by commands received across a network by a management facility on the imaging device that is accessible through an embedded webserver, wherein the imaging device is adapted to store a list of other imaging devices on the network on the computer-usable media, and wherein the imaging device is adapted to transmit the configuration to a network address of at least one of the other imaging devices of the stored list. *See*, Hawes, Abstract and Summary; Figures 4 and 5; and Column 8, line 18 to Column 9, line 29. Appellant therefore respectfully submits that combining the elements of Schlonski et al. and Carcerano et al. with Hawes fails to teach or suggest all elements of independent claim 1, either alone or in combination and thus also fails to teach or suggest all elements of claims 5-6 and 9-10 that depend from and further define independent claim 1.



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Appellant acknowledged that Hawes discloses a system where a configuration is copied from a template printer to a target printer via the users' web browser by accessing an embedded webserver of the template printer and receiving a configuration form to post to the address of the target printer.

The fact that Hawes discloses receiving the configuration from template printer through the web browser explicitly indicates storing the configuration for the imaging device on a computer-readable media.

As such, the combination of Schlonski, Carcerano, Mathieson, Hawes and Mixer discloses each and every limitation(s) of the claims 1-22.

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**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Kamal Divecha/

Kamal Divecha  
Art Unit 2151  
October 8, 2007.

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